

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON AT SEATTLE

JULIE DALESSIO, an individual,

Plaintiff,

v.

UNIVERSITY OF WASHINGTON,

Defendant.

Case No. 2:17-cv-00642 MJP

Plaintiff's **Declaration** re:Reply re:  
Motion to Compel Discovery Dkt. 52

Note on Motion Calendar:  
November 17, 2017

Counsel for defense has made UW's position clear in our Joint Status Conference and in their report (*Dkt. 15, p.4 line 12, p.5 line 1, p.5 line 24, p.6 line 4, p.6 line 11, p.7 line 12, p. 7 line 20, p.9 line 25*), based on their judgment that "Plaintiff should be barred from seeking discovery" . . . "and that discovery should be stayed pending resolution of an early summary judgment motion on the merits." (*Dkt. 15, p.5 line 24*) They have reasserted this position, stating

"The Majority of Plaintiff's Requests are Not Proportional to the Needs of the Case and/or Not Likely to Lead to the Discovery of Admissible Evidence. (*Dkt. 55, p.5*)

It's clear that UW attaches no importance to my claims, based on their repeated trivializations of my claims and dismissive judgment that:

1 “Plaintiff’s multiple requests to search for more records are irrelevant to any claim in this  
2 case. Simply put, locating more records has no relevance to the issue of whether Alison  
3 Swenson’s good faith efforts to redact and release records pursuant to the PRA was sufficient.  
4 The Court should deny Plaintiff’s motion to compel on all grounds for these reasons alone.”  
(Dkt. 55, p.4)

5 I feel that UW’s responses to my claims are disrespectful and meant to embarrass and  
6 intimidate me.

7 I believe that the UW has not made a good faith effort to respond to my discovery  
8 requests. I do not believe that it is overly burdensome to request that UW identify pertinent  
9 documents and employees.<sup>1</sup> I believe that it would be less burdensome for the UW than for  
10 me to request and produce the public records, and the UW has better access to the records  
11 and the employees. The UW had no objections to my neighbor’s request for records  
12 pertaining to me.

13  
14 Following the UW’s incomplete and misconstrued responses and objections to my  
15 first set of discovery requests, I engaged the services of a licensed attorney for help with  
16 subsequent requests. The UW’s responses were even more confused and demeaning.

- 17
- 18 • On October 12, 2017, I initiated attempts to schedule a meeting regarding discovery  
19 requests.
  - 20 • On October 16, I served third discovery requests, which is basically a simplified request  
21 for supplemental answers to previous requests.

22  

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<sup>1</sup> UW has named more than 25 relevant persons but has not provided sufficient identification.

- 1 • On October 19, I emailed a rough draft of my motion to compel discovery to Counsel.
- 2 • Counsel for Defense, Derek Chen finally agreed to a phone conference on October 23 at
- 3 7pm.

4 Prior to the meeting, I emailed a list of discovery requests that I hoped to discuss and  
5 emphasized my desire to clarify my requests, to remove any objections based on  
6 misunderstandings.

7 At the meeting, Mr. Chen proposed that we agree to file a stipulated motion to extend  
8 discovery deadlines, based on his belief that judgment on UW's motion for dismissal of all  
9 claims would soon render these issues moot. I agreed to his stipulated motion with his  
10 promise to "reach out" to his client regarding these issues, and to direct discovery requests to  
11 the original custodians of my records.

- 12 • On November 1, Mr. Chen emailed requesting me to strike this motion. I responded that  
13 I was waiting to hear the responses from UW before I would know whether this would be  
14 necessary. Mr. Chen wrote that he would "touch base next week."
- 15 • On November 11, Mr. Chen emailed me to set up another meeting (for Nov. 13), and  
16 again insisted that I strike this motion prior to hearing UW's responses. I felt this was an  
17 attempt to intimidate me to strike this motion.
- 18 • On November 13, I emailed Mr. Chen my fourth set of discovery requests, which is  
19 basically a request to supplement previous incomplete responses  
20 "hope we can discuss these RFPs and requests for supplemental answers at our meeting  
21 tonight, as well as your responses to my motion to compel discovery.
- 22

1 since friday is the deadline for filing motions related to discovery, i would appreciate it if you  
2 could agree that you will supplement your responses or confirm any continuing objections to  
3 my 2nd RFAs, and 3rd and 4th rog/rfps as soon as possible”

4 Mr. Chen responded with, what I felt was an attempt to shame me for serving a fourth set of  
5 discovery requests, and to intimidate me to strike this motion.

- 6 • On November 13 at 5:30 pm, I met by phone with Counsel for defense, Derek Chen and  
7 Dean Williams.

8 Mr. Chen reiterated his opinions regarding my discovery requests and the proportional  
9 burden based on his expectation that all of my claims would soon be dismissed. I felt that he  
10 was again attempting to intimidate me into striking this motion.

11 I agreed to Mr. Chen’s request to forgo UW’s responses to third discovery requests, due Nov.  
12 17, since these were basically attempts to clarify previous requests.

13 Mr. Chen said that he had conferred with his client and “they said” that I have to sign a  
14 medical release for any further discovery. The UW has not indicated that they have withheld  
15 any confidential records, and have, in fact, produced some of my medical records and claims  
16 to have produced them all in the public records.(*Dkt. 56-2, p.11*) If UW has custody of any  
17 medical records pertaining to me, they should be identified.

18  
19 Mr. Chen confirmed that he had not contacted the original custodians of my records and that  
20 UW stood by all of their previous objections, therefore I had no reason to strike this motion.  
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1  
2 Dated: November 17, 2017

3 Signed:

s/ julie dalessio

4 Julie Dalessio  
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